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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,630	09/26/2001	Philippe Gentric	PHFR 000100	9728

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/963,630	Applicant(s) GENTRIC, PHILIPPE	
	Examiner Kyung H. Shin	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/5/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 9, 15, 16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 15, 16, 21, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responding to application papers filed on **9-26-2001**.
2. Claims **1, 5, 9, 15 - 22** are pending. Claims **1, 16** have been amended. Claims **2 - 4, 6 - 8, 10, 11, 12, 13, 14, 17 - 20** have been cancelled. Claims **21, 22** are new. Independent claims are **1, 16**.

Response to Arguments

3. Applicant's arguments filed 11/5/2007 have been fully considered but they are moot based on new grounds of rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1, 5, 9, 15 - 22** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Barrett et al.** (US Patent No. **6,005,597**) in view of **Ward, III et al.** (US Patent No. **6,756,997**).

Regarding Claim 1, Barrett discloses a receiver of data originating from many programs, the receiver comprising:

- a) an input device for receiving a plurality of programs simultaneously; (see Barrett

- col. 2, lines 17-22; col. 11, lines 44-48: apparatus receiving multiple programs;
col. 1, lines 13-18; col. 4, lines 15-22; col. 12, lines 51-62; multiple programs)
- b) a plurality of program receiving devices coupled to the input device; (see col. 11, lines 44-48: multiple receiving devices)
- c) a controller operatively coupled to each of said plurality of program receiving devices, said controller controlling said plurality of program receiving devices to respectively tune to contiguous programs in said plurality of programs; (see Barrett col. 11, lines 44-51: controller coupled to receiving devices; control channels received, access to all channels)
- d) a reproduction device for reproducing programs; (see Barrett col. 11, lines 45-48: VCR reproduction device (reproduce programs); col. 11, line 62 - col. 12, line 1: VCR, television monitor, display display)
- e) a switch coupled to respective outputs of said plurality of program receiving devices, and to an input of the reproduction device, said switch being controlled by said controller to apply the output of one of said plurality of program receiving devices to said reproduction device; (see Barrett col. 11, lines 44-51: controller coupled to receiving devices; col. 11, lines 45-48: receivers have outputs to display) and
- f) a user interface coupled to said controller for selectively displaying programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device; (see Barrett col. 4, lines 11-22: successively display

list of programs, main window has highest rated program)

- g) a user control for incrementally selecting a next desired program to be displayed from said listing of programs (see Barrett col. 4, lines 20-22: command to display programs)

Barrett discloses wherein each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be include in said listing. (see Barrett Figure 1: program listing; col. 2, lines 59-62: on screen menu; col. 12, lines 56-62; col. 14, lines 9-13: user interface; col. 11, lines 48-51: controller coupled to receiving devices, tune to channel; col. 4, lines 11-22: successively navigate through program listing (highest ranking to next lower ranking)) Barrett does not specifically disclose whereby device tuned to the lowest program in said listing to tune to the next higher program.

However, Ward discloses:

- h) wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding programs receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing,

(see Ward col. 10, lines 18-21; col. 10, lines 38-46: "previous" selection, increment)

It would have been obvious to one of ordinary skill in the art to modify Barrett as taught by Ward for device tuned to the lowest program in said listing to tune to the next higher program. One of ordinary skill in the art would have been motivated to employ the teachings of Ward in order to improve view interaction with the EPG, and customize various aspects of the EPG. (see Ward col. 1, line 64 - col. 2, line 12: "... A. Improved viewer interaction capabilities with the EPG; B. Improved viewer control of video recording of future-scheduled programming; C. Improved features to the EPG display and navigation; D. Parental control of the EPG display; E. Improved television program information access by the viewer; F. Improved opportunities for the commercial advertiser to reach the viewer; G. Improved product information access by the viewer; H. Creation of a viewer's profile; I. Utilization of viewer profile information to customize various aspects of the EPG; and J. Utilization of viewer profile information to provide customized presentation of advertising to the viewer. ...")

Regarding Claim 5, Barrett discloses the receiver as claimed in claim 1 characterized in that the plurality of programs come from the Internet. (see Barrett col. 2, lines 44-49; col. 12, lines 5-8: multiple programs come from Internet)

Regarding Claim 9, Barrett discloses the receiver as claimed in claim 1, wherein each

of the plurality of program receiving devices processes a program received from the input device. (see Barrett col. 11, lines 48-51: controller controls tuning to channel; col. 11, lines 44-48: receiving devices process programs)

Regarding Claim 15, Barrett discloses the receiver as claimed in claim 1, wherein the user interface causes the controller to rotate the program from one of the program receiving devices to another of the program receiving devices. (see Barrett col. 12, lines 63-65: user selects program; col. 12, lines 51-62: receiving devices (main display, smaller display))

Regarding Claim 16, Barrett discloses a method comprising the steps of:

- a) receiving a plurality of programs; (see Barrett col. 4, lines 15-22; col. 12, lines 51-62; simultaneous access to multiple channels)
- b) providing simultaneously to each of a plurality of receiving devices, a respective one of the plurality of programs; (see Barrett col. 11, lines 44-48: multiple receiving devices) and
- c) providing, an output from one of the receiving devices to a reproduction element in response to a user selecting one of the programs already being provided to said one of said plurality of receiving devices. (see Barrett col. 11, lines 45-51: VCR, input/output interfaces to receiving devices)

wherein said providing an output step includes the sub-steps of:

- d) causing said plurality of receiving devices to respectively tune to contiguous

programs in said plurality of programs; (see Barrett col. 4, lines 11-22:

successively display programs)

- e) displaying a listing of programs to which said plurality of receiving devices are tuned in which a central program in said listing corresponds to the program currently being displayed; (see Barrett Figure 1; col. 2, lines 61-62: on screen menu (listing); col. 4, lines 11-22: main window (currently highest ranking program))
- g) enabling a user to each item decrement by one program in the listing to a next program to be displayed, which causing the receiving device tuned to the highest program in the listing to tune to the next lower program of the plurality of programs. (see Barrett col. 4, lines 11-22: successively display programs)

Barrett does not specifically disclose whereby device tuned to the lowest program in said listing to tune to the next higher program.

However, Ward discloses:

- f) enabling a user to each time increment by one program in the listing to a next program to be displayed, while causing the receiving device tuned to the lowest of the programs in the listing to tune to the next higher program of the plurality of programs; (see Ward col. 10, lines 18-21; col. 10, lines 38-46: "previous" selection, increment)

It would have been obvious to one of ordinary skill in the art to modify Barrett as taught by Ward for device tuned to the lowest program in said listing to tune to the

next higher program. One of ordinary skill in the art would have been motivated to employ the teachings of Ward in order to improve view interaction with the EPG, and customize various aspects of the EPG. (see Ward col. 1, line 64 - col. 2, line 12)

Regarding Claim 17, Barrett discloses the method as claimed in claim 16, wherein said method further comprises the step of: changing the plurality of programs provided to each of the receiving devices. (see Barrett col. 11, lines 48-51: controller enable tuning to selected channels)

Regarding Claim 18, Barrett discloses the method as claimed in claim 16, wherein said method further comprises the step of: processing each of the programs provided to the plurality of receiving devices. (see Barrett col. 12, lines 51-62: each program is processed; col. 12, lines 63-65: program displayed, viewer selects program(s) for viewing)

Regarding Claim 19, Barrett discloses the method as claimed in claim 17, wherein said method further comprises the step of: changing from the output of said one receiving device to the output of another of the receiving devices to be applied to the reproduction element. (see Barrett col. 11, lines 44-48: VCR (reproduction device), inputs/outputs interfaces between controller, receiving devices, VCR (receiving device), satellite receiving device)

Regarding Claim 20, Barrett discloses the method as claimed in claim 15, wherein the reproduction element comprises a display screen. (see Barrett col. 11, lines 44-48: VCR (reproduction device); col. 11, line 62 - col. 12, line 1: television monitor)

Regarding Claim 21, Barrett discloses the receiver as claimed in claim 1, wherein the controller generates a list of programs from said plurality of programs based on viewing preferences of a user. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

Regarding Claim 22, Barrett discloses the method as claimed in claim 16, wherein a list of programs to be applied to said receiving devices is generated from said plurality of programs based on viewing preferences of a user. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
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KHS
January 17, 2008



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SUPERVISORY PATENT EXAMINER

1/18/8